IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1794 OF 2007

Sukhada Coop.Housing Socy.Ltd. .. Petitioner
Versus
State of Maharashtra & Ors. ... Respondents

Mr.V.P.Patil for petitioner
Mr.V.S.Gokhale for respondent Nos. 1 and 2
Mr.S.D.Patil for respondent Nos. 5, 6, 10 to 13 and 15 to 19.

CORAM : S.C.DHARMADHIKARI, J.
DATE : 19th November 2007

P.C.

. Heard learned Advocates for petitioner and respondents. After having perused the reasoned revisional order of the Revisional Authority, I find no reason to interfere with the same, inasmuch as Revisional Authority has rightly stepped in to correct the apparent errors and illegality committed by the S.D.O. This was a clear case where if the society is disputing

the title of the concerned contesting respondents and claiming the lands to be its own, then, after prima facie consenting to the acts of the contesting respondents, the remedy was not to move the authorities under the Land Revenue Code but to institute substantive proceedings against the persons who are enrolled as members or claiming to be such. Petition is dismissed leaving open all remedies to petitioner housing society to proceed against defaulting members and third parties. All contentions are expressly kept open. The Court/Appropriate Authority, whosoever is approached by the petitioner, shall decide the matter uninfluenced by the observations of the Commissioner and decide the same on its own merits and in accordance with law.

(S.C.Dharmadhikari, J)